

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/587,909

**REMARKS**

Claims 1-17 are all the claims pending in the application.

Claim 9 stands rejected under 35 U.S.C. 112, second paragraph, for being indefinite. The claim has been amended to address the deficiency, and withdrawal of the rejection is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,715,521 to Fukasawa et al. This rejection is respectfully traversed.

The feature of the present invention reflected in claim 1 is the transmission of the acquisition signal in a multipoint-to-point CDMA system, over the same channel as the coded information, using an acquisition code which is not a CDMA communication code, and having the signal level of the acquisition signal being telemetrically adjustable. The independent claims have now been amended to emphasize that the acquisition signal is coded with an acquisition code which is different from the acquisition signal and also which is not a CDMA communication code.

In Fukasawa et al, the sync signal is not encoded, and there is no suggestion to encode it. Further, even if an artisan were to consider this, it would not have been obvious in a CDMA system to encode the sync signal with anything other than the CDMA communication code. Accordingly, the invention defined in claim 1 would not have been obvious from the teachings of Fukasawa et al.

Claims 2, 3, 5, 8, 10 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of USP 5,577,025 to Skinner et al. Claim 4 stands rejected under 35

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U.S.C. 103(a) as being unpatentable over Fukasawa in view of USP 6,061,359 to Schilling et al. Claims 6 and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Skinner and further in view of Schilling. Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of USP 5,841,768 to Ozluturk et al. Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Skinner and further in view of Ozluturk. Applicants respectfully traverse these rejections.

Skinner provides a method for signal acquisition in a multi-user communication system using multiple Walsh channels. Skinner only discloses a pseudorandom noise (PN) generator 38 providing a PN code sequence to a despreader 40 to generate despreaded signal components output as a series of I and Q channel chips.

Schilling provides a packet spread-spectrum system, in which a chip sequence generator 39 provides a chip sequence to a first plurality of product devices 51, 52 and 58 to produce a first plurality of spread-spectrum channels, and to a second plurality of product devices 151, 152, and 158 to produce a second plurality of spread-spectrum channels. Although mentioning that the chip sequence could be the BARKER code of length 11, Schilling only teaches an acquisition portion of a signal (Schilling, col. 22, lines 41-42), instead of an acquisition signal generated with encoding being performed using an acquisition code which is not a CDMA communication code.

In Ozluturk, none of pilot code, access code or short code is used to encode to generate acquisition signal.

Thus, none of Skinner, Schilling or Ozluturk supplies any deficiencies of Fukasawa.

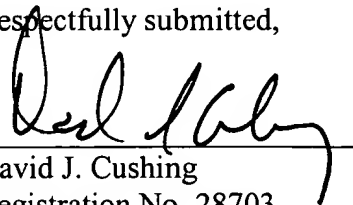
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Accordingly, the cited references fail to teach or suggest at least the acquisition code recited in claim 1. Even if one skilled in the art were to combine the teachings of these references, the combination would not result in Applicants' claimed inventions. Thus, claim 1 and its dependent claims 4 and 7 are patentable. Claim 2 and its dependent claims 5, 6, 8, 11, 13 and 14; claim 3 and its dependent claims 9, 10, 12, 15, and 16; and claim 17 are patentable for the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David J. Cushing  
Registration No. 28703

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC OFFICE

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